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volume for providing a sub-chamber, said walls defining an interior volume comprise a top wall, a bottom wall, side walls, and a rear wall, and wherein each wall and the flap comprises pliable fabric layers with thermal insulation contained between said pliable fabric layers;

(b) placing a thermal storage assembly within said sub-chamber between the bottom wall and the cover within said interior volume for providing a sub-chamber, said thermal storage assembly comprising:

(i) a heat retention member for absorbing and retaining heat and for releasing said heat over extended periods of time;

(ii) a heating coil assembly in thermally conductive contact with said heat retention member;

B<sup>2</sup> (iii) a sealed container for containing said heat retention member and said heating coil; and

(iv) a power cord for providing electrical connectivity between a power source and said heating coil, said power cord extending into said sealed container; and

(c) placing a box containing cooked pizza within said interior volume by moving said box containing cooked pizza through said opening for accessing said interior volume.

### Support for Amendment

Claim 20 is amended to more clearly characterize the case as containing walls including a top wall, a bottom wall, side walls, a rear wall, and where each of the walls and flap are formed of pliable fabric layers with thermal insulation contained between the layers. This feature is supported by the specification at page 3, line 23-28, and by Figures 1-3. Claim 20 is additionally amended to more clearly characterize the step of placing a thermal storage assembly within the sub-chamber as placing the thermal storage assembly in the sub-chamber between the bottom wall and the cover within the interior volume. This feature is supported by the specification at page 6, lines 20-25, and Figure 3. The specification is amended to update the status of the parent application. Accordingly, no new matter is introduced by this Amendment and entry thereof is requested. Upon entry, claims 20-33 remain active in this application.

### Remarks

Applicants' representative would like to thank Examiner Joseph Pelham for the helpful and courteous discussion of the issues in this application held on July 1, 1999. This

discussion focused on the teachings of U.S. patent No. 5,454,471 (*Norvell*). In view of this discussion, claim 20 is amended to more clearly describe the case identified in the claimed method for transporting cooked pizza, and to more clearly characterize the step of placing a thermal storage assembly within the sub-chamber provided in the case. In particular, claim 20 now clarifies that the method for transporting cooked pizza includes providing a case having walls defining an interior volume, an opening for accessing said interior volume, a flap for covering said opening, and a cover within said interior volume for providing a sub-chamber, and wherein the wall defining the interior volume include a top wall, a bottom wall, side walls, and a rear wall, and each wall and the flap comprises pliable fabric layers with thermal insulation contained between the pliable fabric layers. In addition, claim 20 now clarifies that the method includes a step of placing the thermal storage assembly within the sub-chamber between the bottom wall and the cover. Furthermore, it was pointed out during the interview that *Norvell* fails to suggest replacing the disclosed microwave heatable heat source with a thermal storage assembly including a heat retention member, a heating coil assembly in thermally conductive contact with the heat retention member, a sealed container for containing the heat retention member and the heating coil, and a power cord extending into the sealed container for providing electrical conductivity between the power source and the heating coil. The substance of this discussion is summarized and further expanded upon in the following remarks.

The claimed invention relates to a method for transporting cooked pizza. In the pizza delivery industry, pizzas are conventionally placed in cardboard boxes and transported in a thermally insulated carrying case. According to the invention, a case is provided having an interior volume and a sub-chamber, a thermal storage assembly is placed within the sub-chamber between the bottom wall of the case and the cover provided within the interior volume, and a box containing cooked pizza is placed within the interior volume. This is shown by Figure 3 where the thermal storage assembly is placed between the bottom wall 12 and the cover 12a.

Claims 20-33 stand rejected under 35 U.S.C. §103(a) over U.S. patent No. 5,454,471 (*Norvell*) and U.S. patent No. 5,750,962 (*Hyatt*). This rejection is traversed.

*Norvell* describes a container for transporting food, such as pizza. A container for delivering individual pizzas is depicted by Figure 1, and a container for large scale delivery of pizzas is depicted by Figure 4. *Norvell* further describes the use of a temperature maintenance device including a sealed packet 80 containing a phase change material 82. See *Norvell* at

column 7, lines 21–28. *Norvell* teaches activating the phase change material by placing the temperature maintenance device in a microwave oven. See *Norvell* at column 7, lines 51–63.

The outstanding Office Action recognizes that "*Norvell* does not disclose a heating coil in thermal contact with the surface of sealed heat retention member, a thermostat which opens at 95°–105°C, AC or DC power for the heating coil, a dielectric oil heat retention member, or a rigid base for the heat retention member." See the outstanding Office Action at page 2. It appears that the Office Action then relies upon the disclosure of *Hyatt* of a thermal heating and storage device including, *inter alia*, an electrically resistive heating element in combination with a phase change material.

A It is submitted that *Norvell* teaches away from the claimed invention. *Norvell* teaches the use of a temperature maintenance device which is heated by microwave energy. In contrast, the claimed invention provides a thermal storage assembly which includes a heating coil assembly and a power cord for providing electrical conductivity between a power source and the heating coil. The power cord extends into the sealed container which contains the heating coil and a heat retention member. Furthermore, *Norvell* indicates that other heat or cooling sources may be utilized, including battery or fuel-powered heating elements. See *Norvell* at column 8, lines 8–12. It is submitted that *Norvell* is not interested in temperature maintenance devices which include, for example, a cord extending into the temperature maintenance device.

Furthermore, *Norvell* describes the container 10 including a sealable pocket 24 in the inner liner 16 to receive a heat emitting device. See *Norvell* at Figure 1 and column 4, lines 15–18. In contrast to *Norvell*, the presently claimed method for transporting cooked pizza includes placing a thermal storage assembly (containing a heating coil assembly in thermally conductive contact with the heat retention member and a power cord) within a sub-chamber provided between the bottom wall and the cover within the interior volume. The Examiner's attention is directed at Figure 3 of the present application where the thermal storage assembly is shown provided between the bottom wall 12 and the cover 12a. Furthermore, the invention clarifies that the bottom wall, as well as the top wall, the sides walls, the rear wall and the flap each include pliable fabric layers with thermal insulation provided between the pliable fabric layers.

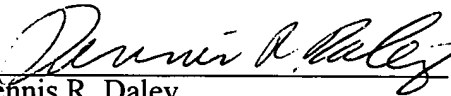
In view of the above comments, it is submitted that the presently claimed method for transporting cooked pizza would not have been obvious. Accordingly, withdrawal of the outstanding rejection is requested.

It is believed that this application is in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

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